

In the last office action, which expressly states that the prior comments overcame the rejection, claims 1, 2, 4, 5, 7, 16, 17, 19, 20, 22, 23, and 25-278 were rejected under §103 based on Field (US 4,636,412) in view of Ohodaira et al. (US 4,482,585) and further in view of Lescaut (US 4,753,368). Claims 6 and 21 were rejected as obvious based further in view of Kong (US 6,253,936).

Applicant maintains that Ohodaira does not disclose a fluorinated rubber composite including at least one reinforcement layer, and that the claims distinguish from the applied references. Applicant incorporates herein all the arguments made in the previous response. In the interest of compact prosecution, all independent claims were amended in the prior response to recite that the inner layer comprises thermoplastic polyurethane.

With respect to Field, the examiner expressly states that Field neither discloses a reinforced fluorinated rubber composite outer layer nor a thermoplastic polyurethane inner layer. The examiner turns to two separate and distinct references for such teaching.

Furthermore, the examiner provides no reasoning whatsoever as to why the combination should be made.

It may be useful to consider the purpose of the layers in the references. Field discloses an enema bag. The outer layer is Nylon. The inner layer is linear low density polyethylene (LLDPE). The primary need for this bag is that it be "water impermeable" and "flexible." (Col. 3, lines 43-46.)

In direct contrast, the Ohodaira bag is for a container resistant to extremely low temperatures. The inner layer is polyethylene of particular molecular weights and properties. The outer layer is PET (see abstract) or other like material (see col. 3, lines 40-50 where fluorinated rubber is mentioned). The mere fact that Ohodaira discloses an outer layer of fluorinated rubber does not mean that it should be used in Field.

Likewise, there is simply no need for materials resistant to extremely low temperatures in the enema bag of Field. There is therefore no motivation or suggestion to combine these references. The examiner has not made out a prima facie case of obviousness as to the alleged combination of Field and Ohodaira.

Similarly, Lescaut shows a “metalloplastic composite container.” This is not a bag. It is not flexible. It is not used for enemas, as in Field. The outer layers are metallic. (Col. 1, lines 37-55.) The interior of the container can be made of a variety of materials. Unlike the present invention's thermoplastic layer, the inner layer in Lescaut is a thermosetting resin, such as thermosetting polyurethane. Note that Lescaut specifically states at column 3, lines 1-3, “or thermosetting resins, such as epoxy resins or polyurethanes. There is no mention of thermoplastic polyurethane in Lescaut.

Thermoplastic polyurethane is completely different from thermosetting polyurethane.

Moreover, given the huge differences between the Lescaut metallic container and Field's enema bag, there is clearly no reason to combine these references. And even if one did combine the references, one creates an enema bag with a thermosetting inner polyurethane layer, not a thermosetting polyurethane.

Note further that a thermosetting polyurethane would not be flexible as needed in either Field's enema bag or the claimed invention. This is an additional reason why one would not combine Lescaut with Field.

It can be seen that Field, Lescaut, and Ohodaira are not combinable. The examiner thus has not made out a prima facie case of obviousness. If for argument's sake the references are considered to be combinable, they do not, either alone or in combination, render the pending claims obvious because they do not add up to the claimed invention.

Kong is not cited for a polyurethane inner layer.

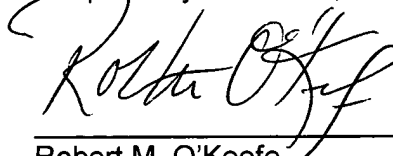
Thus, it is respectfully submitted that in view of the comments above, all grounds of rejection should be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that the claims are in condition for allowance. Accordingly, favorable reconsideration and Notice of Allowance are courteously solicited. If the claims are allowed, applicant respectfully requests that any appropriate claims that are currently withdrawn be rejoined into the application.

Should any fees under 37 CRF 1.16-1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct such fees from Deposit Account No. 10-1205/TRIA:005. The examiner is invited to contact the undersigned at the phone number indicated below with any questions or comments, or to otherwise facilitate expeditious and compact prosecution of the application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert O'Keefe", written over a horizontal line.

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